

Patrick M. Sullivan  
Poore, Roth & Robinson, P.C.  
1341 Harrison Avenue  
Butte, Montana 59701  
Telephone: (406) 497-1200  
Email: pss@prrlaw.com  
State Bar No.: 3449

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

Credit Suisse AG, Cayman Islands  
Branch,

Appellant,

vs.

Official Committee of Unsecured  
Creditors, Yellowstone Mountain  
Club, LLC, Yellowstone Mountain  
Development, LLC, Big Sky  
Ridge, LLC, and Yellowstone  
Construction Company, LLC,

Appellees.

Case No. CV-10-66-BU-SEH

**STATUS REPORT**

Pursuant to the Court's September 1, 2020 Order, Dkt. 88, Credit Suisse AG, Cayman Islands Branch ("Credit Suisse") submits this status report.

On November 30, 2011, this Court granted Credit Suisse's motion to stay this appeal pending resolution of several related appeals to the Ninth Circuit. Dkt. 84; *see* Dkt. 87 (prior status report on appeals to Ninth Circuit, filed March 22, 2016). As explained in that motion, resolution of those appeals could moot this

matter and obviate the need for this Court to resolve any underlying issues.

The last remaining of those appeals concerned Timothy L. Blixseth's challenge to the Exculpation Clause in the Third Amended Joint Plan of Reorganization, 08-BK-61570, Dkt. 2352. That appeal, *Blixseth v. Credit Suisse*, No. 16-35304 (9th Cir.), was from this Court's decision on remand from a prior appeal to the Ninth Circuit on the same topic, *Blixseth v. Yellowstone Mountain Club*, No. 13-35190 (9th Cir.). *See* Dkt. 88 (Court's request for status report referencing these two appeals).

On June 11, 2020, the Ninth Circuit issued an opinion affirming this Court's rejection of Blixseth's challenge. On August 20, 2020, the Ninth Circuit denied Blixseth's request for rehearing and rehearing en banc. And, on August 28, 2020, the mandate issued. Blixseth's only remaining option to challenge any aspect of the Plan would therefore be a petition for a writ of certiorari before the U.S. Supreme Court, which would be due January 19, 2021.

Credit Suisse respectfully requests that this Court maintain the stay and that this matter remain open until the time to file a petition for a writ of certiorari has run, or the Supreme Court has disposed of any petition filed.

Dated: September 18, 2020

Respectfully submitted,

/s/ Patrick M. Sullivan

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